

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the following:
 - a. Conversion of a portion of an existing 3,445 sf olive processing facility to include:
 - 800 sf of restaurant (limited food service facility) area a 330 sf existing commercial kitchen and a maximum of 470 sf dining area (total includes indoor and outdoor seating areas).
 - 94 sf of olive oil tasting area.
 - 30 sf of retail (permanent farm stand).
 - The processing of 540 tons of olives not grown on-site;
 - b. Public access to the site for tasting room/restaurant/limited food service facility/retails sales operation shall be restricted to 3 days per week from 11:00 am to 5:00 pm;
 - c. The incidental processing of olives into table olives for sale onsite (approximately 35 cases);
 - d. The construction of a 45 sf detached restroom;
 - e. A modification to the ordinance standard (Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft setback to property line and to allow 380 ft to an existing residence;
 - f. A modification of the ordinance standard (Section 22.30.075.B.4 Ag Retail Sales / Setbacks) that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north);
 - g. No temporary events are authorized including events with under 50 attendees and non-profit events.

Conditions required to be completed at the time of application for construction permits

Site Development

2. Submit a revised ***floor plan and site plan*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Site Plan – The site plan shall show 12-parking spaces.
 - b. Floor Plan - The dinning seating area including indoor and outdoor areas shall not exceed a 470 sf.

Required Permits

3. **At the time of application for construction permits**, the applicant shall obtain the following permits if required in addition to any and all other permits required by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.
 - a. Construction permit to convert the existing agricultural olive processing building into a commercial olive processing facility that will be open to the public;
 - b. Construction permits for tenant improvements to convert a portion of the existing building into an olive oil tasting room, restaurant/limited food service facility, and retail sales area;
 - c. Grading permit for access road widening.

Transportation and Traffic

4. (TR-1) **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Reconstruct the existing site access driveway approach on Kiler Canyon Road in accordance with County Public Improvement Standard B-1 drawing rural roadways, and A-5a sight distance standards.
 - b. Remove sign and vegetation obstructions per the recommendations contained in the *Above Grade Engineering* driveway sight distance analysis dated September 21, 2015.
5. (TR-2) **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement for Old Kiler Canyon Road. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the shared access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights, or be fully assumed by the applicant for the full width across their property frontage and back to the nearest county maintained road and be binding upon their heirs and assigns, and be recorded with the County Clerk on each of the effected properties.
6. (TR-5) **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. (TR-6) **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. (TR-8) **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP)

prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan

9. (TR-9) **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Exterior Lighting

10. **At the time of application for construction permits**, the applicant shall provide details on any proposed or **existing exterior lighting**. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated January 16, 2015 and letter dated October 23, 2015.

Services

12. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
13. **At the time of application for construction permits**, the applicant shall submit evidence that the existing septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

14. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Transportation and Traffic

15. (TR-10) **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Nesting Birds

16. (BR-1) **Prior to and during construction**, in order to protect sensitive bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Wildlife Code, the applicant shall avoid vegetation clearing and earth disturbance during the typical nesting season (February 15 – August 31). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area one week prior to

activity beginning on the site. If nesting birds are located, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive bird species, a 500-foot buffer zone for raptors, and all activity will remain outside of that buffer until a County approved biologist has determined that the young have fledged. If special-status bird species are located, no work will begin until an appropriate buffer is determined by consultation with the County, the local California Department of Fish and Wildlife biologist, and/or the U. S. Fish and Wildlife Service.

Oak Trees

17. (BR-2) **Prior to issuance of construction permit and/or grading permit**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate any oak trees to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline).
18. (BR-3) **Prior to issuance of a grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
 - a. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
 - b. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site.
 - c. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
 - d. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
 - e. Maintenance – Newly planted trees shall be maintained until successfully established.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

19. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures. This includes but not limited to the access road widening and compaction deficiencies (Keith V. Crowe, PE, PLS, letter dated July 29, 2015).

20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Transportation and Traffic

21. (TR-3) **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

On-going conditions of approval (valid for the life of the project)

22. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
23. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Transportation and Traffic

24. (TR-4) In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
25. (TR-7) The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
26. (TR-11) The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Air Quality

27. (AQ-1) For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:
- a. Pave and maintain the driveway; or,

- b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

Building Occupancy

- 28. The applicant shall comply with CAL FIRE Safety Letter dated January 16, 2015 and the occupancy of the building shall not exceed 49. Any additions to the structure including enclosing the covered porch area for dining, and/or removing furnishing allowing an increased occupancy load at this location shall require the installation of a commercial NFPA compliant automatic Fire sprinklers.